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Attorneys for Defendants

By: David R. Erickson, Esq.

Joseph H. Blum (NJ Bar No. 010211984)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

OCCIDENTAL CHEMICAL CORPORATION,

Plaintiff,

v.

21ST CENTURY FOX AMERICA, INC., ET
AL.,

Defendants.

Hon. Judge Madeline Cox Arleo

Hon. Joseph A. Dickson

Civil Action No. 2:18-CV-11273 (MCA-JAD)

**NOTICE OF MOTION TO SEAL
MATERIALS**

PLEASE TAKE NOTICE that the Small Parties Group (the “SPG”) hereby move before the Honorable Joseph A. Dickson for an Order pursuant to Local Civil Rule 5.3 to file under seal a 2015 Standstill and Tolling Agreement, identified as Exhibit 3 to the Supplemental Blum Certification in the SPG Defendants’ Reply Brief in Support of its Motion to Dismiss.

PLEASE TAKE FURTHER NOTICE that the SPG rely upon the below Certification of Joseph H. Blum in Support of Motion to Seal and the accompanying index. A proposed form of Order is also submitted for the Court’s consideration.

Dated: November 29, 2018

/s/ Joseph H. Blum

David R. Erickson (admitted *pro hac vice*)

Joseph H. Blum (NJ Bar No. 010211984)

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**CERTIFICATION OF JOSEPH H. BLUM
IN SUPPORT OF MOTION TO SEAL**

I, JOSEPH H. BLUM, being of full age, do certify to the following:

1. I am an attorney authorized by the District of New Jersey and a partner at the law firm of Shook, Hardy & Bacon L.L.P., acting as Common Counsel for a group of defendants referred to as the Small Parties Group (the "SPG"). As such, I am fully familiar with the facts set forth herein.
2. I make this Certification based upon my personal knowledge of the SPG Defendants' Reply Brief in Support of its Motion to Dismiss, dated November 29, 2018, which is being served this same day.
3. The document that the SPG seeks to file under seal is a 2015 Standstill and Tolling Agreement. The Agreement is referenced as Exhibit 3 to the Supplemental Blum Certification in the SPG Defendants' Reply Brief in Support of its Motion to Dismiss.

4. As required by Local Civil Rule 5.3(c) this certification includes an index describing with particularity:
- a. the nature of the materials or proceedings at issue;
 - b. the legitimate private or public interest which warrant the relief sought;
 - c. the clearly defined and serious injury that would result if the relief sought is not granted;
 - d. why a less restrictive alternative to the relief sought is not available;
 - e. any prior order sealing the same materials in the pending action; and
 - f. the identity of any party or nonparty known to be objecting to the sealing request.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: November 29, 2018

/s/ Joseph H. Blum

Joseph H. Blum

THE SPG'S INDEX IN SUPPORT OF MOTION TO SEAL

Material	Basis for Sealing	Clearly Defined and Serious Injury that Would Result if the Relief is Not Granted	Why a Less Restrictive Alternative to the Relief Sought is Not Available	Any prior order sealing the same materials in the pending action	Party in Opposition to Sealing, if any, and Basis
2015 Standstill and Tolling Agreement Referenced as Exhibit 3 to the Supplemental Blum Certification in the SPG Defendants' Reply Brief in Support of its Motion to Dismiss. Entire Document	The SPG requests sealing of this document because the Agreement is a result of confidential discussions between parties in this litigation. The Agreement contains a confidentiality provision where the parties expressly agreed to keep the terms of the Agreement confidential.	If filed on the public docket, the information will reveal important confidential settlement discussions that reflect attorney impressions and intent regarding the tolling of claims related to this litigation.	The SPG maintains that any alternative to sealing does not provide the protections required for such confidential information, particularly since the confidentiality provision of the Agreement applies to the entire document. The SPG's request is narrowly tailored to include only the 2015 Standstill and Tolling Agreement.	None.	None.

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**[PROPOSED] ORDER GRANTING
SPG DEFENDANTS' MOTION TO SEAL
MATERIALS**

This matter having been brought to the Court through the SPG's November 29, 2018 Motion to Seal Materials pursuant to Local Civil Rule 5.3 and this Court having fully considered the Joseph H. Blum Certification in Support of the Motion to Seal materials and any opposition thereto, as well as the record before it, and for good cause shown:

IT IS this ____ day of _____, 2018;

ORDERED that the SPG's Motion to Seal Materials is hereby **GRANTED**.

Hon. Joseph A. Dickson, U.S.M.J.